## REMARKS

The Examiner has rejected Claims 1 and 3 under 35 USC Section 102(b) as anticipated by Johnson , U.S. Patent Number 4,548,229.

Johnson discloses a sleeve 20 (see appendix Figures 1A, 1B, 4, 5 and 9) which includes an adjuster ring 22 for rotating the sleeve 20. The adjuster ring has a slot 22S in it for a screw driver or a coin. (Col. 6, lines 26-28).

"The sleeve 20 was converted from the normally closed condition of Figs. 1A and 1B to the normally open condition of Figs. 2A and 2B by rotating sleeve 20 180 degrees by the use of the ring adjuster 22" Col. 5, lines 5-8.

"The sleeve is secured to the body housing and free to rotate with respect thereto, and the condition changing movement is a rotation of the sleeve." Col. 3, lines 3-5.

The device also includes "a generally cylindrical spool [30] having an axis" Col. 2, lines 56, 57.

The spool 30 is inside the sleeve 20 and does not rotate. The spool 30 moves axially in response to the trigger movement. Col. 4, lines 55-58.

Claim 1 as originally presented used the term "spool means". This term has been deleted.

Claim 1 as currently amended clearly states that it is the 'spool' that is rotated to provide the condition change. See spool 13, Figure 1, Appendix B attached. There is no sleeve claimed.

Webster's dictionary defines **a sleeve** as "a tube enclosing a rod or another tube" or "a tubular machine part designed to fit over another part." See Figures 1A and 1B.

Applicant's structure does not require a sleeve. The cited prior art discloses and requires a sleeve.

Accordingly, the rejection of Claim 1 is respectfully traversed.

Claim 3 has been cancelled.

Claims 2 and 5 have been rejected under 35 USC 103(a) as being unpatentable over Schultz in view of Johnson.

U.S. Patent No. 6,490,962, issued to *Schultz*, discloses a hydraulic tool in which a selector sleeve 5 may be moved so that oil can pass through a hole 12 in the tube 6 which is

coincident with a hole 9a in a sleeve valve 9 in the constant volume (OC) mode neutral position, as shown in Figure 3. See appendix C attached. In order to move this sleeve, it is necessary in practice to back off a set screw (shown in Figure 3, Appendix C), so that two portions butt up against one another and the spring 13 is compressed. This selector sleeve provides for switching between the OC and CC modes.

This patent shows, discloses and claims a hydraulic tool adjustable between two modes of operation. One mode is known as the open center mode, or constant volume mode; and the other mode is known as a closed center mode, or constant pressure mode. Each mode has both a neutral position and a work position.

The constant pressure neutral position is shown in Figure 1 wherein pressurized fluid travels through a tube into a retract chamber.

When the trigger (20 Figure 1) is squeezed, the configuration is as in Figure 2. This is the working position when the hydraulic fluid flows into a drive chamber 4 causing the piston 2 to move to the left, and exhausting fluid which was in the retract chamber 3 to exhaust through the central tube out an exit port 15.

In the constant volume mode, the neutral position is shown in Figure 3 wherein fluid passes through a central tube 6 and into the retract chamber 3. At the same time, the excess fluid exits through a small hole 12 between the ends of the tube 6 and then out through the exit port before ever reaching the drive chamber 4.

When the trigger is pulled, the working position is as shown in Figure 4 which is identical to the working position in Figure 2, that is, the fluid passes directly into the drive chamber. In this mode, fluid exits just as it did in Figure 2 down the inner tube and out the exit port 15 from the retract chamber.

Thus Schultz requires that the device be partially dismantled, so that the longitudinally selector sleeve 5 can be rotated to provide the condition change. Simply moving the spool 14 does not provide that change. A knob wouldn't help.

The Examiner's position that the combination of the structure of Schultz with the knob of

Johnson on the spool, would teach the claimed invention, is respectfully traversed.

Nothing in either Schultz or Johnson suggests the claimed device.

Dependant Claims 2 and 5 must be read in the context of the limitations of the claim from which they depend. Accordingly, the rejection of Claims 2 and 5 is respectfully traversed.

The remaining cited prior art has not been specifically applied. However, when taken either alone or in combination the disclosures of Droegemueller '883, Lapp '673, Sanner et al '992 and Boese '755 neither show nor suggest the present invention. See also discussion on pages 1-3 of the Specification.

Reconsideration of the application as amended is respectfully requested.

Respectfully submitted,
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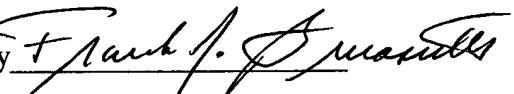
by 

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APPENDIX "A"

Appendix "B"

APPENDIX "C"